

UNITED STATES DISTRICT COURT

for the

Southern District of Illinois

Victor Mitchell

Plaintiff(s)

Midwest Transport Inc.

Defendant(s)

Michael Correll

11385 N. Trimble Road

Robinson, IL 62454 **EMPLOYMENT**

**DISCRIMINATION COMPLAINT**

Case Number:

3:17-CV-599-SMY-DGW

(To be supplied by Clerk's Office)

Plaintiff brings a complaint against Midwest Transport Inc.  
[defendant(s)] for discrimination as set forth below.

Plaintiff ☐ DOES ☐ DOES NOT demand a jury trial.

**I. PARTIES**

Name and Address of Plaintiff:

Victor Mitchell

6423 Gray Fox Court

Florissant, MO 63034

Name and Address of Defendant(s):

Midwest Transport, Inc.

Michael Correll, General Manager

11385 North Trimble Road

P.O. Box 8608

Robinson, IL 62454

The plaintiff was:

- ☒ denied employment by the defendant(s).  
☐ hired and is still employed by the defendant(s).  
☒ employed but is no longer employed by the defendant(s).

The alleged discrimination began on or about: 2/2016 (give month, day, and year).

## II. JURISDICTION

1. Jurisdiction over this claim is based on 28 U.S.C. § 1331. Plaintiff alleges that the defendant(s) discriminated against Plaintiff because of Plaintiff's:

- ☐ Sex (Title VII of the Civil Rights Act of 1967, as amended, 42 U.S.C. § 2000e-5)  
☒ Race (Title VII of the Civil Rights Act of 1967, as amended, 42 U.S.C. § 2000e-5, and/or 42 U.S.C. § 1981)  
☐ Age (The Age Discrimination in Employment Act, 29 U.S.C. § 621)  
☒ Disability (The Americans with Disabilities Act, 42 U.S.C. § 12101 and/or The Rehabilitation Act, 29 U.S.C. § 701)  
☐ National Origin (Title VII of the Civil Rights Act of 1967, as amended, 42 U.S.C. § 2000e-5)  
☐ Religion (Title VII of the Civil Rights Act of 1967, as amended, 42 U.S.C. § 2000e-5)  
☐ Other (list): \_\_\_\_\_

2. Plaintiff ☒ Has ☒ Has Not filed a charge before the United States Equal Employment Opportunity Commission (EEOC) relating to this claim of employment discrimination. [Attach a copy of charge to this complaint].

Plaintiff ☒ Has ☐ Has Not filed a charge before the Illinois Department of Human Rights relating to this claim of employment discrimination. [Attach a copy of charge to this complaint].

3. Plaintiff's Right to Sue Notice from the EEOC was received on or about May 11, 2016 (date). [Attach a copy of Notice of Right to Sue to this complaint].



### III. STATEMENT OF LEGAL CLAIM

Plaintiff is entitled to relief in this action because: He was treated different due to his race and his ability to not work because he suffered an injury on the job (spider bite)...

### IV. FACTS IN SUPPORT OF CLAIM

State here briefly and clearly as possible the essential facts of your claim. Take time to organize your statement. You may use numbered paragraphs if you find it helpful. Describe precisely how each defendant in this action is involved. Give dates and places. Concentrate on describing as clearly and simply as possible the employment practice you allege to be illegal and how it discriminated against you. It is not necessary to make legal arguments or cite any cases or statutes. In most circumstances, this only makes your claim difficult to understand. As much as possible, let the facts speak for themselves.

I am a black (race) male who worked full-time at Midwest Transport Inc. My work performance as a Truck Driver met Respondent's expectation. In February, 2016 Respondent failed to pay me part of my wage. I spoke to Cory Knoblett, and Ron Miller about this. They said we will look into the matter. But, nothing ever happened. I was cheated out of my pay. I spoke with Joe Bennett, (Caucasian) Mike McGrath, (Caucasian) Todd Saeger, (Caucasian) and Jerry Herwick (Caucasian). All were part-time workers and white employees. I worked full-time and was shorted 30 hours of pay. I receive a verbal discipline for not having a phone. Similarly situated non-blacks were not given verbal discipline. This started when I request for my 30 hours of pay. I took off work due to a spider bite & was off 7 months. I sent in Dr's statements (Rev. 4/2010) because my leg was injured. I receive 4 surgeries to my left leg. When the Dr. release me, I was told your position has been filled. I filed retaliation also.

I did what my human resource department told me to do, and I was discharge because I was injured on the job. I also feel like I been discriminated against in retaliation because of disability act of 1990. In 1964 Title VII of the civil Rights was amended. Clearly, my violation's were abuse and I'm requesting for some assistance with an attorney been assigned to my case. Thank you for your attention concerning this matter. Victor Mitchell

### V. RELIEF YOU REQUEST

Based on the foregoing, Plaintiff seeks the following relief: (check below what you want the court to do for you – make as many checks as you like, and use additional sheets, if necessary).

- ☒ An award of back pay
- ☐ Reinstatement to Plaintiff's old position
- ☒ Costs of suit (but not attorney fees)
- ☒ An award of money damages
- ☒ Other (explain below)

Any other pay that I'm entitle to have,  
punitive Damages, Compensatory Damage etc.

Signed on: June 5, 2017  
(date)

6423 Gray Fox Court  
Street Address

Florissant, MO 63034  
City, State, Zip

Victor Mitchell  
Signature of Petitioner

Victor Mitchell  
Printed Name

\_\_\_\_\_  
Signature of Attorney (if any)